

February 7, 2017, Council Meeting
Minutes

The regular meeting of Clarion Borough Council was held on February 7, 2017, in the Assembly Room of the Clarion Free Library. President Lapinto called the meeting to order at 7:00 p.m. Everyone recited the Pledge of Allegiance. Councilmembers present were Ms. Roberts, Dr. Sanders Dédé, Mr. Aaron, Mr. MacBeth, and President Lapinto. Mr. Zerfoss and Mr. Noto were absent. Mr. Colosimo, Mayor Parker, Acting Chief Peck IV, Mr. Preston, Mr. Sharrar, Solicitor Marshall, and Ms. LaVan were also present.

On a motion by Ms. Roberts with a second by Mr. MacBeth to approve the January 3, 2017, Council Meeting, minutes.

President Lapinto asked for comments?

Mr. Aaron asked the minutes be amended on the second page of the Parks and Recreation Report in the 9th and 10th paragraph where Mr. Noto made a comment about the letter from Little League stating that they went over their \$100,000 budget. Mr. Aaron corrected Mr. Noto last month that there was no mention of a budget in that letter and that letter definitely did not state they went over a budget. Mr. Aaron asked the record reflect that amendment.

President Lapinto asked if the motion needs to be redone?

Solicitor Marshall assumed Mr. Aaron meant to make a motion to amend the minutes.

Mr. Aaron stated yes to reflect his comments.

Solicitor Marshall stated a second is necessary and a vote.

Mr. MacBeth seconded the motion. The motion carried with a vote of five yea.

President Lapinto stated next is Citizen Comments: Agenda Items Only.

Before moving on, Dr. Sanders Dédé stated the amendment was approved but not the original motion.

Solicitor Marshall agreed Ms. Roberts made a motion to approve the minutes, they were seconded. Now that the amendment has been approved, a vote is necessary to the original motion.

The motion carried with a vote of four yea with Dr. Sanders Dédé abstaining as she was absent.

CITIZEN COMMENTS: Agenda Items Only

Due to the amount of business tonight, President Lapinto stated each individual will be given 3 minutes instead of 5 to speak. Each individual should give his/her name and address for the record.

Mr. Bob Balough, 86 South Seventh Avenue, Deputy Tax Collector, passed out a report to Councilmembers showing the amount of taxes collected and the collection rates for the last 5 years so Council can make a comparison. A copy is attached to the Official File Copy of these minutes. As everyone can see, the 2016 collection rate was 92.9% of the funds, which is the highest of the 5 years. If anyone has any questions, Mr. Balough would be happy to answer them now or later. For Council's information, the County wants all municipalities to be very careful about the assessments. If anyone puts on a porch or whatever, it's important that the owner does get a permit and it's turned into the assessor. The County wants to avoid raising taxes in the future. Mr. Balough commented the County is also trying to cut back on their expenditures and are not going to print the tax duplicate book this year, unless the municipality wants to pay 20 cents a page. Mr. Balough informed the County not to print it for the Borough. If the Borough wants a copy, a pdf version can be sent. Mr. Balough announced Rose is not going to run for tax collector again. The position will be open. Due to a change in the Tax Collection Law, whoever is elected has to become a qualified tax collector before he/she will be issued the tax forms, which is by the first of March. If that person cannot pass the test and a vacancy occurs, Mr. Balough pointed out it's the municipality, not the school district or any other taxing authority, that has to appoint somebody within thirty days. If it goes beyond thirty days, then there is another procedure that must be followed.

President Lapinto voiced concern that there are a lot of people out there that are not paying the per capita tax. Someone informed her they have lived here for 17 years and never paid anything. After contacting the County, they verified they do not have anybody. The Borough may not impose the per capita tax, but the County does.

Mr. Balough stated the County is trying to get two people qualified or certified as assessors. That's primarily for the property. The County does and the school district has a per capita and an occupation tax. The school has the biggest interest in this issue. If the tax collectors know of somebody, they are supposed to report them by January 31st.

President Lapinto stated the County eliminated the local assessor.

Mr. Balough feels the County keeps their per capita going, because they have to maintain the rolls for the school district anyways. A lot of municipalities have a \$5 per capita, but Clarion Borough does not.

President Lapinto understands the County is losing like \$100,000 because nobody is collecting it.

Mr. Balough informed Council Liberty Towers is an example of some residents paying and others not. Not knowing who lives in a facility like that makes it very hard on tax collectors, who can't really police it. If the collector knows who lives there, it's their duty to report it to the County.

The citizen has an obligation to notify the assessor of his/her new address within a certain number of days. However, that is not always done. The law does state the County can go back and collect 2 years on an individual; however, this is never done. Usually if somebody is caught, he/she just have to start paying from that point on. If Councilmembers have any other questions, Mr. Balough asked him/her to contact him.

Mr. Kenneth Means, 71 Wood Street, asked Council to request an investigation of the conduct of Chief/Borough Secretary/Treasurer Mark Hall, which led to his termination of employment. The facts reported in exploreClarion would lead a person to believe there could have been criminal misconduct. Mr. Means commented Council, as elected representatives of the citizens of Clarion Borough, have the duty to the citizens, themselves, and Mark Hall to request the District Attorney to have this investigated. A thorough, independent investigation of this incident is required to sort out the facts. If after a thorough investigation is completed and charges are filed or not filed, Mr. Means stated only then will everyone know if there was criminal conduct or not. Mark Hall should be held to the same or a greater standard than Janice Gabler who was recently investigated and charged for the theft of money for the parking meter collections. As a member of the Police Pension Plan, Mr. Means pointed out that if indeed Mark Hall committed criminal violations, he should not reap the benefit of his actions every month in an increased pension benefit. Mr. Means believes that a criminal investigation in the filing of charges would enable Council to remove any monies from Mark Hall's account he's not entitled to without undue litigation. People have suggested that a claim on the errors or omissions insurance will recover the missing money. This insurance is not for covering willful criminal acts. Claims on this insurance would increase the cost of future insurance coverage and result in increased taxes to all citizens of Clarion Borough. If indeed there was criminal conduct, Mr. Means reported then the court should order restitution to Clarion Borough. Under Act #140 of 1978, the Public Employees' Pension Forfeiture Act, Chief Hall could lose his pension if convicted of certain enumerated offenses. Evidently, the legislature intends to hold public officials and employees to a higher standard as Council should. Mr. Means stressed the right and just thing to do is to request an investigation and to let the chips fall where they may. To be fair to everyone, Mr. Means really thinks that Council needs to have this investigated. The District Attorney would probably refer it to the Attorney General, which would be the proper thing for him to do and then it truly would be an independent investigation.

President Lapinto asked Solicitor Marshall for comments.

Solicitor Marshall informed Mr. Means that he's advised Borough Council that in no way should they ever at any time discuss whether or not anything is being investigated internally.

Mr. Means understands that.

Solicitor Marshall just wanted everyone to be aware that Council will never comment on anything like that. As to the other part of Mr. Means' issue, there is a motion on the agenda tonight to address any unauthorized wages by anyone as it relates to the pension plan. Council appreciates Mr. Means' comments.

Mr. Means voiced concern as a citizen, a taxpayer, and a member of the pension plan.

Mr. Brian Smail, Clarion Little League, first thanked Council for amending the minutes earlier. This is Little League's 65th year, and they would like to formally invite everyone to their opening day ceremony. Plaques will be presented to sponsors who have been there for a long time and to Clarion Borough Council, because Little League couldn't do what they do without Council's help. Secondly, Mr. Smail provided a copy of the old lease with a couple of notes for the Committee to consider. Mr. Smail stated lastly Clarion Little League has some projects for this upcoming season and would like to submit their plans for the next Parks and Recreation meeting.

President Lapinto reported the agreement has been turned over to Ms. Roberts, Chairman of the Recreation Committee, and Mr. Aaron.

President Lapinto called for an Executive Session for personnel, consisting of all Councilmembers, Mayor Parker, and Solicitor Marshall, leaving at 7:16 p.m.

President Lapinto called the meeting back to order at 7:30 p.m. and asked Dr. Sanders Dédé for comments.

Dr. Sanders Dédé announced the Honors 350 Class from Clarion University is present tonight to observe and participate in local governments and see how a meeting like this is handled and how it takes a vote and asked Dr. Joseph Croskey for comments.

Dr. Croskey thanked everyone for welcoming the class tonight and putting out the chairs. Later this evening, one of the representatives from the Honors Association has some business they would like to accomplish as well. Dr. Croskey thanked Council for demonstrating how local government works and how things are handled by addressing certain comments and taking care of those items. The class appreciates everyone's hospitality.

Solicitor Marshall asked the record reflect that after an Executive Session official action will be taken. Just so the students are aware, most debate and discussion among Councilmembers is to occur at an open meeting. But by statute, Solicitor Marshall commented Council is allowed, in certain instances, to discuss matters without the public being present. That was the purpose of the Executive Session to discuss a personnel issue. Solicitor Marshall stated now Council is going to address that issue.

On a motion Mr. Aaron with a second by Mr. MacBeth, appointing Acting Chief William H. Peck IV as Chief of the Clarion Borough Police Department, was carried with a vote of five yea.

President Lapinto congratulated Chief Peck.

On a motion by Mr. Aaron with a second by Mr. MacBeth to approve the employment contract for Chief William H. Peck IV.

Dr. Sanders Dédé asked if the motion will include as presented to Councilmembers?

Mr. Aaron agreed it would.

The motion carried with a vote of five yea.

Mayor Parker congratulated Chief Peck and added he has served many years with distinction. Clarion Borough is proud to have him as the new Chief of Police. Mayor Parker commented it will be his pleasure to administer the Oath of Office tomorrow at his convenience.

Chief Peck thanked everyone

President Lapinto congratulated Chief Peck again and stated she hired him and is like a proud mother.

ADMINISTRATION

On a motion by Dr. Sanders Dédé with a second by Mr. Aaron, approving the appropriations for the month of February, was carried with a vote of five yea.

President Lapinto stated the Treasurer's Report of Fund Totals and Budget Analysis are in the packet for Council's review.

On a motion by Mr. MacBeth with a second by Ms. Roberts, giving permission for Todd Colosimo to attend the 2017 CDBG Conference in State College on March 20-21, 2017, for an approximate cost of \$550, was carried with a vote of five yea.

On a motion by Dr. Sanders Dédé with a second by Mr. Aaron to give permission to mail the registration fee for the 2017 CDBG Conference in the amount of \$150 to Pennsylvania Association of Housing and Redevelopment Agencies (PAHRA). The motion carried with a vote of five yea.

On a motion by Dr. Sanders Dédé with a second by Mr. MacBeth to clarify that any unauthorized wages or payments paid to employees, including but not limited to unauthorized payments for unused vacation time, are to be excluded from total compensation for purposes of pension plan calculations.

Ms. Roberts asked if this is for future instances only?

President Lapinto commented the actuary recommended Council adopt this motion so year-end reports can be completed. Participating in the telephone conference were Dr. Sanders Dédé, Mr. Aaron, Ms. LaVan, Mr. Colosimo, Ms. Colleen Deer of Mockenhaupt Benefits Group, and she.

Ms. LaVan understands this motion will address any instance, prior or future.

Mr. Aaron agreed.

The motion carried with a vote of five yea.

President Lapinto asked Dr. Sanders Dédé to discuss the appointment of a CDBG consulting engineer as she was absent from that meeting.

Dr. Sanders Dédé reported the Administration Committee reviewed the proposals received, and with Mr. Colosimo's recommendation, the EADS Group was the best one to meet and satisfy the requirements.

On a motion by Dr. Sanders Dédé with a second by Mr. Aaron to appoint The Eads Group as the Borough's CDBG consulting engineer for the years 2017 through 2019. The motion carried with a vote of five yea.

BLUEPRINT COMMITTEE

Dr. Sanders Dédé stated the Committee is meeting tomorrow night at the Borough Office at 4:30 p.m. A couple areas to look at are training sessions going on in Harrisburg as well as some funding opportunities.

PUBLIC WORKS

Mr. Preston, in the absence of Mr. Zerfoss and Mr. Noto, reported the Department has been plowing and will begin to patch potholes as the weather permits.

President Lapinto asked the status of one of the vehicles Mr. Preston voiced concern on.

Mr. Preston stated it is in the shop being repaired right now.

STORM WATER AUTHORITY

In the absence of Mr. Noto, Mr. Colosimo reported HRG, the engineer, has contacted the Borough and offered to attend the next committee meeting, for purposes of discussing moving forward, mainly the collection of the data through the fly over.

President Lapinto asked if there has been any response from the utility companies that were mentioned partnering with for this task?

Mr. Colosimo commented not yet. HRG is putting out feelers for that also.

PUBLIC SAFETY

On a motion by Mr. Aaron with a second by Mr. MacBeth, giving permission to request the Civil Service Commission to advertise to develop a police officer eligibility list, was carried with a vote of five yea.

On a motion by Mr. Aaron with a second by Dr. Sanders Dédé to give permission for Justin O'Neil to attend Rifle Instructor Class May 8-12, 2017, in Danville, Pennsylvania at the cost of \$685 (class and range fee included; hotel not included in price).

Chief Peck informed Council that class is now full, and Officer O'Neil cannot attend it. It looks as though the closest class will be in September in Bethlehem. A class is available in October in Monroeville; however, that's during Autumn Leaf Festival.

President Lapinto asked if this should be tabled for now?

Chief Peck stated the problem is the classes fill up fast. When this was put on the agenda, there were four spots.

Ms. LaVan asked if the registration fee is the same no matter where the class is held. If so, Council could give permission to pay the registration fee to avoid missing the next class and the location could be announced later.

Mayor Parker thinks this is the reason Officer O'Neil lost his spot.

Mr. Aaron made a motion to give permission for Officer Justin O'Neil to attend the instructor class in the month of September in Bethlehem at the cost of \$685 or just to register for the class.

President Lapinto asked for clarification as there already was a motion and asked if it needs amended?

Solicitor Marshall asked the record reflect that the motion has been amended based on Chief Peck's comments and recommended that Council approve the registration fee necessary to reserve a spot. Once the location is determined, the date can be announced at a future meeting.

Mr. Aaron and Mr. MacBeth agreed. The motion carried with a vote of five yea.

President Lapinto asked Chief Peck to explain why he wants to do this?

Chief Peck announced the Department uses three different weapons. The officers have a handgun 40 Glock and, in the patrol cars, there is a 12-gauge patrol rifle shotgun and a semi-automatic AR15 rifle. The officers have to qualify every year. Chief Peck reported it's easier, cheaper, and more efficient if Clarion Borough would have its own instructor. Officer O'Neil is already certified in two areas, the handgun and shot gun, and it would be cost effective to get him qualified on the AR.

On a motion by Mr. Aaron with a second by Mr. MacBeth to terminate Janice Gabler as part-time meter enforcement officer, effective immediately. The motion carried unanimously.

On a motion by Mr. Aaron with a second by Mr. MacBeth, promoting Natale Schmude as part-time meter enforcement officer working no more than 29 hours per week at the rate of \$9.75 per hour, was carried with a vote of five yea.

On a motion by Mr. Aaron with a second by Mr. MacBeth to give permission to advertise for a part-time meter enforcement officer to work one day per week plus collection and to fill in, if necessary, at the rate of \$9.00 per hour. The motion carried with a vote of five yea.

LIBRARY REPORT

Mayor Parker stated the Board will meet later this week and a report will be given next month.

HOUSING AND ZONING

Dr. Sanders Dédé stated the report is in the packet for everyone's review. All the Boards reorganized this month to establish officers and meeting dates.

Mr. Sharrar stated the rental unit invoices were due at the end of the month and reminded everyone to get his/her payment in before citations are issued.

PARKS AND RECREATION

Ms. Roberts had nothing to report.

SECRETARY'S REPORT

Acting Secretary LaVan stated it's been busy getting in all the year-end reports. Hopefully, by the middle of February, Clarion Borough should be able to close the accounting program.

MAYOR'S REPORT

Mayor Parker officiated his first wedding ceremony three weeks ago, which was one of the things he looked forward to doing as Mayor. As far as he knows, they are still married and all is well.

President Lapinto added another is to ride in the Autumn Leaf Festival parade.

Mayor Parker agreed and asked anybody with a convertible to contact him.

OLD BUSINESS

There was none.

NEW BUSINESS

There was none.

CITIZEN COMMENTS: Non-Agenda Items

Ms. Elisabeth Fulmer, 132 South Seventh Avenue thanked Chief Peck mainly and the Borough Office for granting her permission to have the Women's March in Clarion on January 21st. Plans came up very close to the date. Chief Peck was very kind to give them permission to march through the Borough, and it was quite a successful event.

Mr. Eric Stibinski, a student and President of the Honor Association at Clarion University, along with the vice president, treasurer, and some other members in the Honors Program, commented they would like to focus on doing more community service this semester. Paperwork is available, if Council would like to see it. The Association is planning a special event request for a Color Run for Clarion University of Pennsylvania for the students. The Committee is looking at the day after the Campus Fest event. Mr. Stibinski stated the goal more importantly is to contribute to the overall community, and all proceeds from this event will be given to PAWS. If Council wishes to hear from PAWS representatives, a couple are present this evening and would be happy to make comments on their cause. A couple different routes are planned for Clarion Borough to review. One route barely involves Clarion Borough and would go from the campus to Greenville Avenue to Reinhard Villages. Mr. Stibinski reported the Honors Association wanted to make it as convenient to the campus as possible, still have a lot of fun, and be good for the community.

President Lapinto asked for the date and stated Council approved a color run earlier.

Mr. Stibinski informed everyone April 22nd. The other color run is for Clarion University's administration for their alumni.

President Lapinto suggested the representatives meet with Chief Peck to review the event and then it will be placed on the agenda for next month's meeting.

Mr. Stibinski commented that will be fine and thanked Council for the time to speak.

CORRESPONDENCE

Ms. LaVan read a letter from Miles Brothers, L.L.C., informing Council they intend to submit a loan application to the Pennsylvania Department of Community & Economic Development's Business in Our Sites (BIOS) Program in connection with the development of the Glass Works Business Park (to be located on the site of the former Owens-Illinois glass bottling facility). Anyone with questions should contact Theron Miles or Ryan Miles.

Ms. LaVan read a letter from Richard P. Herman, 104 Still Drive, requesting the Clarion County District Attorney's Office conduct an official investigation into the extra money that was paid to the former Police Chief and Treasurer/Secretary Mark Hall. Mr. Herman congratulated Council for reacting swiftly after finding out the information from a recent audit. It's Council's obligation to represent the taxpayers of Clarion Borough to officially refer this matter to the District Attorney for a remedy. If the \$15,000 to \$30,000 was paid fraudulently, Mr. Herman commented Mr. Hall would be guilty of a felony. If nothing is done, Mr. Hall would benefit in his local pension, social security and others from this increase that he may not deserve. Mr. Herman stressed this is not right. Council has an obligation to the taxpayers of Clarion Borough to do the right thing and would be failing his/her duties by not referring this for potential charges. The final matter is restitution. If Mr. Hall were found guilty, restitution could be part of the final solution. All residents pay taxes to operate the Borough, and this money could have been spent for paving streets. Mr. Herman heard the Borough may seek payment from the insurance carrier

that bonded Mr. Hall. However, he doesn't believe the insurance carrier would be obliged to pay the Borough in matters of theft and this matter would not be considered an error or omission. Mr. Herman pointed out the Borough Police Department acted swiftly in charging a Borough employee (MEO) for a potential theft of a little over \$1,000 recently. Currently, this is pending trial. Mr. Herman hopes Council sees the connection between the actions of the MEO and the former Chief, except the amount of money in the latter was so much more. Mr. Herman questioned shouldn't the former Chief be treated the same as the MEO and what the difference is? Mr. Herman urged Council to officially refer this to the D.A. and thanked everyone in advance for his/her time.

On a motion by Mr. MacBeth with a second by Mr. Aaron, the meeting was adjourned at 7:55 p.m.

Linda M. LaVan, Acting Borough Secretary